

PROPOSITION

60

**ELECTION RIGHTS OF POLITICAL PARTIES.
LEGISLATIVE CONSTITUTIONAL AMENDMENT.**

OFFICIAL TITLE AND SUMMARY

Prepared by the Attorney General

**Election Rights of Political Parties.
Legislative Constitutional Amendment.**

- Provides the right for political party participating in a primary election for partisan office to also participate in the general election for that office.
- Candidate receiving most votes from among that party's candidates in primary election for state partisan office cannot be denied placement on general election ballot.

**Summary of Legislative Analyst's Estimate of Net State and Local Government
Fiscal Impact:**

- No fiscal effect.

Final Votes Cast by the Legislature on SCA 18 (Proposition 60)

Assembly:	Ayes 55	Noes 21
Senate:	Ayes 28	Noes 3

ELECTION RIGHTS OF POLITICAL PARTIES. LEGISLATIVE CONSTITUTIONAL AMENDMENT.

PROP

60

ANALYSIS BY THE LEGISLATIVE ANALYST

BACKGROUND

California generally holds two statewide elections to elect a candidate to public office—a primary election (in March) and a general election (in November). Some public offices (such as the Governor and members of the Legislature) are partisan, which means that a candidate represents a political party in an election. For partisan offices, the primary election determines each political party’s nominee for the office. The candidate receiving the most votes among a party’s candidates is that party’s nominee for the general election. In the general election, voters then choose among all of the parties’ nominees, as well as any independent candidates, to elect a candidate to office.

PROPOSAL

Participation in the General Election. This measure places into the State Constitution a requirement that all parties that participate in a primary election be able to advance their top vote-getting candidate to the general election. This requirement is met by the current process for elections as described above.

Related Provisions in Proposition 62.

Proposition 62 on this ballot also contains provisions affecting which primary candidates advance to the general election ballot. That measure would require that only the top two vote-getters in the primary—regardless of party identification—advance to the general election. As a result, under Proposition 62, each party would not be guaranteed to have a candidate on the general election ballot. The State Constitution provides that if the provisions of two approved propositions are in conflict, only the provisions of the measure with the higher number of yes votes at the statewide election take effect.

FISCAL EFFECTS

Under current law, all parties that participate in a primary can have their top vote-getting candidate advance to the general election. This measure, therefore, would not require any changes to election procedures. As a result, the measure’s election provisions would have no fiscal effect on state and local governments.

ELECTION RIGHTS OF POLITICAL PARTIES. LEGISLATIVE CONSTITUTIONAL AMENDMENT.

ARGUMENT in Favor of Proposition 60

Proposition 60 protects your right to choice in elections.

FULL, FREE, AND OPEN DEBATE IS IMPORTANT IN A DEMOCRACY. WE HAVE NOTHING TO FEAR FROM HEARING DIFFERENT POINTS OF VIEW.

That's why a century ago, ordinary citizens of California fought for their right to select political party nominees for office in direct primary elections. Proposition 60 protects that important right.

PROPOSITION 60 PROTECTS VOTER CHOICE by guaranteeing that every political party has the right to nominate candidates for partisan office in a primary election and compete in a general election. We need that choice and accountability.

PROPOSITION 60 PROVIDES A DIRECT ALTERNATIVE TO PROPOSITION 62, the radical scheme to eliminate our direct primary elections.

- Proposition 62 would impose the election system from the State of Louisiana (the only state to have such a system). In Louisiana, voters' choice in a recent runoff election was a former Grand Wizard of the Ku Klux Klan and a governor who later went to prison.
- Under Proposition 62, only the two top vote getters in the first round of voting would proceed to the general election. Proposition 62, effectively excludes California's five minor parties and independents from the general election. In many districts, your only choices would be two members of the same party.
- If Proposition 62's special interest scheme had been in place in 2002, six million California votes would not have been counted, and 50 different general election races would have

been limited to candidates from the same party.

- Proposition 62 is sponsored by insurance companies, financial institutions and failed wealthy politicians who spent \$2 million to put their power grab scheme on the ballot.
- Proposition 62 would depress voter turnout, elevate the importance of money and fame, increase opportunities for extremist candidates, and decrease opportunities for minority officeholders.
- Under Proposition 62, California's diversified Legislature with many African Americans, Latinos, Asians, and female legislators will suffer and politics will return to being dominated by rich white males.
- Proposition 62 could allow the two wealthiest candidates to buy victory in the first round of voting and end up on the November ballot, making campaign finance reform meaningless.

In dramatic contrast, *PROPOSITION 60 WILL PRESERVE YOUR RIGHT TO CHOICE IN ELECTIONS.*

Vote YES on Proposition 60 to *PROTECT YOUR RIGHT TO CHOICE IN ELECTIONS.*

Vote YES on Proposition 60 to *GUARANTEE YOUR RIGHT TO HEAR ALL POINTS OF VIEW.*

DAN STANFORD, *Former Chairman*

California Fair Political Practices Commission

BARBARA O'CONNOR, Ph.D., *Director*

Institute for the Study of Politics & Media

California State University, Sacramento

GEORGE N. ZENOVICH, *Associate Justice, Retired*
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REBUTTAL to Argument in Favor of Proposition 60

Politics has been called "the art of the possible." In a letter to President Kennedy, John Kenneth Galbraith once said: "Politics is not the art of the possible. It consists of choosing between the disastrous and the unpalatable." Even if, as proponents of Proposition 60 argue, the election scheme contained in Proposition 62 is disastrous, Proposition 60, which purports to save us from Proposition 62, is nonetheless unpalatable.

Proposition 60 only deals with general elections. The measure is silent on how primary elections will be conducted, leaving the door open for potential voting mischief that can adversely impact the right of parties to select their nominees. If the supporters of Proposition 60 truly

wish to protect "full, free, and open debate" they should have included permanent constitutional protection defining the direct primary. Californians deserve the stability of a system that prohibits the members of one party from meddling in the primaries of another.

In seeking to compromise, the backers of Proposition 60 stopped short of what needs to be done.

That may be practicing the art of the possible, but it is no less "unpalatable" and deserves a no vote.

SENATOR BILL MORROW

ASSEMBLYMEMBER SARAH REYES

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PROP

60

ARGUMENT Against Proposition 60

In his speech on the Conciliation of America, Edmund Burke said, “All government, indeed, every human benefit and enjoyment, every virtue and every prudent act, is founded on compromise and barter.”

The authors of Proposition 60 have compromised too much. They had the chance to permanently protect California’s primary system, but stopped short of the goal line.

Proposition 60 does allow parties that have candidates in primary elections to have a candidate in general elections. That’s some protection from radical schemes—but not enough.

Proposition 60 doesn’t spell out what kind of primary elections California will have.

That leaves the door open for future tinkering with the primary system and still allows the special interest backers of so-called “open primary” or “blanket primary” schemes to come in over and over again with new attempts to try and make changes that would harm our system.

Enough is enough. No political party should be forced to allow members of other parties to choose their nominees.

Proposition 60 could have amended the

California Constitution to permanently prevent primary schemes from being imposed in the future. It doesn’t.

As Californians, we want to see elections constitutionally protected from changes and from the opportunity for mischief.

A think tank in Washington State, where they have also wrestled with primary election issues, recently noted a survey taken in California when our primary was temporarily changed a few years back. It said 37% of the state’s Republicans planned to help determine the Democrat nominee for Governor and 20% of Democrats planned to vote in the Republican primary for Senate.

Proposition 60 could have permanently amended the California Constitution to prevent the opportunity for mischief. It doesn’t.

Proposition 60 is only half a response.

Proposition 60 does no harm, but voters deserve more. Voters deserve *permanent* protection for our primary system.

STATE SENATOR BILL MORROW

STATE ASSEMBLYMEMBER SARAH REYES

REBUTTAL to Argument Against Proposition 60

You know full, free, and open debate is important in a democracy. We have nothing to fear from hearing different points of view. Proposition 60 protects your right to choice in elections.

Proposition 60 protects your right to choose political parties’ candidates for public office.

Proposition 60 is simple, straightforward, and easily understood. That is in sharp contrast to Proposition 62, which would impose Louisiana’s radical election system where voters’ choice in a recent runoff election was a former Grand Wizard of the Ku Klux Klan and a corrupt governor who later went to prison.

- Proposition 62’s proponents are very wealthy politicians intent on forcing their Louisiana scheme on Californians because they know they, and others like them, will personally benefit. The two most wealthy candidates will be able to buy victory in the first round of voting,

making campaign finance reform meaningless.

- Proposition 62 would create a two-stage general election in which only the two top vote getters in a first round of voting would be allowed to participate in a runoff election—even if they belong to the same party! By keeping candidates out of general elections, it would reduce voter choice in the only vote in which a candidate could actually win office.

Proposition 60 preserves voter choice.

Vote Yes on Proposition 60!

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